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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,067	02/12/2001	Neal Jacob Manowitz	50P3840.01	9797
24272	7590	10/20/2006	EXAMINER	
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			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 10/20/2006

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/782,067
Filing Date: February 12, 2001
Appellant(s): MANOWITZ ET AL.

MAILED
OCT 20 2006
Technology Center 2600

Gregory Koerner
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/14/2006 appealing from the Office action
mailed 3/16/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0041329	Steinberg	4-2002
6442529	Krishan et al.	8-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim1-4 and 9-11 rejected under 35 U.S.C. 102(e) as being anticipated by Steinberg US 2002/0041329.

Re claim 1, Steinberg discloses in figure 1 a system (10) including a message center (12) and a digital camera (14) capable of communicating in various ways (page, 2, paragraph 33). When the camera (14) is turned on it automatically transmits a signal to a transceiver (18) for conveying the camera identification (ID) to a remote storage device (message center 12) and in response the remote storage device (12) transmits messages that are identified for the particular camera/user back to the camera (14) (page, 2, paragraph 37). Therefore, since a camera ID is verified and message information is sent to the camera (14) corresponding to the camera ID it can be seen that message data (corresponding to the camera ID) is sent from the remote storage device (12) to the camera (14) via an exclusive connection. Although there are various ways of communication between a remote location (message center 12) and a camera (14) the communication is still solely between an exclusive and predetermined remote location (message center 12) and the camera (14) (a.k.a. only messages from the message center (12) will be sent to the camera). In a different scenario, an intelligent advertisement center may build a user profile for the camera based on image information from the camera such as the type of images in the camera (page 3, paragraph 39). The Examiner is reading the quantity of images and type of images as image data because the "other information" such as quantity of images and type of images constitute data that is generated based on the images captured by camera (14).

Therefore, since the user profile is built based on image data (quantity of images, type of images) it can be seen that image data from the digital camera (14) is uploaded to a predetermined remote location (message center (12)). Also, figure 1 shows that only a message center (12) connected to the network can receive the image information.

Therefore, the data is sent exclusively to the remote storage device.

Re claim 2, Steinberg states that an intelligent advertisement center may build a user profile for the camera based on image information from the camera such as the type of images in the camera (page 3, paragraph 39). The Examiner is reading the quantity of images and type of images as image data because the “other information” such as quantity of images and type of images constitute data that is generated based on the images captured by camera (14). Steinberg also states that the digital camera (14) includes a sensor (digital image acquisition apparatus 88) for generating images (page 4, paragraph 52). Thus it can be seen that image data (eg. Data indicating number of images taken) is formed when sensor (88) acquires images.

Re claim 3, Steinberg states that the camera (14) receives advertisement messages from the message center (12) and stores them in RAM (150) (page 3, paragraph 41). The camera (14) includes a ROM (149) and ROM (150) to store image data and advertisement messages within the camera (page 4, paragraph 53).

Re claim 4, the camera (14) includes a display (48) for viewing image data (number of images taken) and advertisement messages received from the message center (12) (page 4, paragraph 53; figure 2).

Re claim 9, Steinberg discloses in figure 1 a system (10) including a message center (12) and a digital camera (14) capable of communicating in various ways (page, 2, paragraph 33). When the camera (14) is turned on it automatically transmits a signal to a transceiver (18) for conveying the camera identification (ID) to a remote storage device (message center 12) and in response the remote storage device (12) transmits messages that are identified for the particular camera/user back to the camera (14) (page, 2, paragraph 37). Therefore, since a camera ID is verified and message information is sent to the camera (14) corresponding to the camera ID it can be seen that message data (corresponding to the camera ID) is sent from the remote storage device (12) to the camera (14) via an exclusive connection. Although there are various ways of communication between a remote location (message center 12) and a camera (14) the communication is still solely between an exclusive and predetermined remote location (message center 12) and the camera (14) (a.k.a. only messages from the message center (12) will be sent to the camera). In a different scenario, an intelligent advertisement center may build a user profile for the camera based on image information from the camera such as the type of images in the camera (page 3, paragraph 39). The Examiner is reading the quantity of images and type of images as image data because the "other information" such as quantity of images and type of

images constitute data that is generated based on the images captured by camera (14). Therefore, since the user profile is built based on image data (quantity of images, type of images) it can be seen that image data from the digital camera (14) is uploaded to a predetermined remote location (message center (12)). Steinberg also states that the camera (14) receives advertisement messages from the message center (12) and stores them in RAM (150) (page 3, paragraph 41). Therefore, advertising data is downloaded from the predetermined remote location (message center (12)) to the digital camera (14). The camera (14) also includes a display (48) for displaying advertisement messages received from the message center (12) (page 4, paragraph 53; figure 2).

Re claim 10, Steinberg states that the digital camera (14) includes a camera digital image acquisition apparatus (88) for forming image data (page 4, paragraph 52).

Re claim 11, when the camera (14) is turned on it **automatically** transmits a signal to a transceiver (18) for conveying the camera identification to the message center (12) (page, 2, paragraph 37). Alternatively, an intelligent advertisement center may build a user profile based on image information from the camera (page 3, paragraph 39). Therefore, since the user profile is built based on image information it can be seen that image data from the digital camera (14) is uploaded to a predetermined remote location (message center (12)). Steinberg also states that the camera (14) receives advertisement messages from the message center (12) and stores them in RAM (150) (page 3, paragraph 41). Therefore, advertising data is

downloaded from the predetermined remote location (message center (12)) to the digital camera (14).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-8 and 12-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg in view of Krishan et al. US 6,442,529.

Re claim 5, Steinberg discloses in figure 1 a system (10) including a message center (12) and a digital camera (14) capable of communicating in various ways (page, 2, paragraph 33). When the camera (14) is turned on it automatically transmits a signal to a transceiver (18) for conveying the camera identification (ID) to a remote storage device (message center 12) and in response the remote storage device (12) transmits messages that are identified for the particular camera/user back to the camera (14) (page, 2, paragraph 37). Therefore, since a camera ID is verified and message information is sent to the camera (14) corresponding to the camera ID it can be seen that message data (corresponding to the camera ID) is sent from the remote storage device (12) to the camera (14) via an exclusive connection. Although there are various

ways of communication between a remote location (message center 12) and a camera (14) the communication is still solely between an exclusive and predetermined remote location (message center 12) and the camera (14) (a.k.a. only messages from the message center (12) will be sent to the camera). In a different scenario, an intelligent advertisement center may build a user profile for the camera based on image information from the camera such as the type of images in the camera (page 3, paragraph 39). As disclosed above the communication is still solely between an exclusive and predetermined remote location (message center 12) and the camera (14) (a.k.a. image data from the camera (14) will only be sent to message center (12)). The Examiner is reading the quantity of images and type of images as image data because the "other information" such as quantity of images and type of images constitute data that is generated based on the images captured by camera (14). Therefore, since the user profile is built based on image data (quantity of images, type of images) it can be seen that image data from the digital camera (14) is uploaded to a predetermined remote location (message center (12)). Also, figure 1 shows that only a message center (12) connected to the network can receive the image information. Therefore, the data is sent exclusively to the remote storage device. Steinberg also states that the camera (14) receives advertisement messages from the message center (12) and stores them in RAM (150) (page 3, paragraph 41). Therefore, advertising data is downloaded from the predetermined remote location (message center (12)) to the digital camera (14). The camera (14) also includes a display (48) for displaying advertisement messages received from the message center (12) (page 4, paragraph 53; figure 2).

Although the Steinberg reference discloses all of the above limitations, it fails to distinctly state that the digital camera is unable to exchange electronic information with any electronic devices except for the exclusive and predetermined location.

Krishan discloses a method for delivering targeted information over the internet. Krishan states that an advertiser (ISP 24) may pay a distributor (portal provider 20) based on the number of ads downloaded and displayed by a mini-portal and viewed by users (22) col. 6, lines 19-27). Krishan further states that users (22) may receive the hardware (modem) of a mini-portal for free in return for viewing messages and may receive free or discounted access to the Internet from ISP (24) (col. 6, lines 35-64). Krishan also states that validation stamps are sent by an exclusive and predetermined location (ISP 24) to the mini-portals so that the mini-portals will only function upon receiving a validation stamp from the portal provider (20) (col. 8, line 53-col. 9, line 21). Thus it can be seen that advertising data is downloaded solely from an exclusive and predetermined remote location (ISP 24) to a device (mini-portal of computer) for displaying advertisements. **It can be seen in figure 4 that the personal computer (50) including a mini-portal (51) is only capable to connect to the Internet via ISP (52) (col. 12, lines 18-30). Therefore, the personal computer (50) is incapable of communicating with any external device other than the exclusive and remote location (ISP 52). Although the computer (50) is capable of connecting to validation server (53), advertisement server (54), statistics server (55) and content server (56) via the remote location (ISP 52) this does not mean that the computer is capable of communicating with external devices other than the exclusive**

remote location. The computer (50) may only be connected to the exclusive remote location (ISP 52). Any subsequent communication between the exclusive remote location (ISP 52) and any other device does not constitute a direct connection to the computer (50). Therefore, it would have been obvious for one skilled in the art to have been motivated to implement the business method of an advertiser paying a distributor based on the number of ads viewed by a user and providing a device to a user for a reduced rate, the device only being able to transmit and receive data from an exclusive location (ISP) as disclosed by Krishan in the camera capable of downloading advertisements from a messaging center as disclosed by Steinberg. Doing so would provide a means for delivering advertising over a wireless connection and providing subsidized hardware in exchange for receiving advertising (Krishan: col. 1, lines 14-20):

Re claims 6 and 7, Krishan discloses a method for delivering targeted information over the internet. Krishan states that an advertiser (ISP 24) may pay a distributor (portal provider 20) based on the number of ads downloaded and displayed by a mini-portal and viewed by users (22) col. 6, lines 19-27). Krishan also states that the distributor (portal provider 20) may sell the mini-portal (modem) at a reduced price or provide it for free based on the advertising data downloaded by the mini-portal (col. 6, lines 49-65).

Re claim 8, figure 1 shows that only an intelligent advertisement center (message center 12) connected to the network can receive the image information and build a user profile (page 3, paragraph 39). Therefore, uploading the image data occurs only at the predetermined remote location (message center 12).

Re claim 12, Krishan states that validation stamps are sent by an exclusive and predetermined location (portal provider 20 via ISP) to the mini-portals so that the mini-portals will only function upon receiving a validation stamp from the portal provider (20) (col. 8, line 53-col. 9, line 21).

Re claim 13, Krishan states that a distributor (portal provider 20) of mini-portals implements the functional characteristics (uploading, downloading, and displaying) of the mini-portals and also the portal provider (20) pushes advertising data to the mini-portals, the mini-portals display advertising data in an automatic manner, and a user (22) of the mini-portals is unable to prevent the displaying of the advertisements (col. 6, lines 49-67; col. 8, lines 60-65).

Re claim 14, Krishan states that the portal provider (20) distributes the mini-portals and administers and maintains an exclusive and predetermined remote location (ISP) from which advertising data is downloaded (col. 6, lines 49-64).

Re claims 15 and 16, Steinberg states that an intelligent advertisement center may build a user profile based on information (uploading information) such as quantity of images taken, type of images, etc. in order to determine a class of interest (page 3 paragraph 39). Steinberg also states that advertising information is downloaded by a camera (14). Similarly, Krishan states that a portal provider (20) may push advertisements to a mini-portal and also obtain information from the computers of the users (22) in response to the advertisements that are sent using the mini-portals (col. 7, lines 17-64). Thus it can be seen that Krishan discloses a method involving a combined download/upload request (push advertisements and obtain information from users). Krishan also states that validation stamps are periodically sent by the portal provider (20) to the mini-portals in order to enable the mini-portals (col. 9, lines 1-67). Thus it can be seen that the download/upload request occurs at regular intervals according to the validation stamps sent by the portal provider (20).

Re claims 17 and 18, Krishan discloses a method for delivering targeted information over the internet. Krishan states that an advertiser (ISP 24) may pay a distributor (portal provider 20) based on the number of ads downloaded and displayed by a mini-portal and viewed by users (22) col. 6, lines 19-27). Krishan also states that the distributor (portal provider 20) may sell the mini-portal (modem) at a reduced price or provide it for free based on the advertising data downloaded by the mini-portal (col. 6, lines 49-65).

Re claim 19, Steinberg states that downloading of advertising data is triggered by uploading image data (pages 2-3, paragraphs 38-39).

(10) Response to Argument

Appellant's arguments regarding claims 1, 3 and 4 (Appeal Brief pages 5-6) state that since the Steinberg reference teaches that a camera (14) communicates with a computer (40) that may receive information from sources other than messaging center (12) the Steinberg reference fails to disclose "a digital camera configured to send the image data exclusively to the remote storage device and to receive advertising data exclusively from the remote storage device". The Examiner respectfully disagrees. Steinberg discloses in figure 1 a system (10) including a message center (12) and a digital camera (14) capable of communicating in various ways (page 2, paragraph 33). When the camera (14) is turned on it automatically transmits a signal to a transceiver (18) for conveying the camera identification (ID) to a remote storage device (message center 12) and in response the remote storage device (12) transmits messages that are identified for the particular camera/user back to the camera (14) (page 2, paragraph 37). **Therefore, since the camera ID is verified and message information is sent to the camera (14) corresponding to the camera ID it can be seen that message data (advertisements corresponding to the camera ID) is sent from the remote storage device (12) to the camera (14) via an exclusive connection. Although the Steinberg reference provides various ways (e.g. computer (40), transceiver (18),**

etc.) of communicating information between the camera (14) and the remote storage device (12) this does not mean that the camera (14) does not send and receive data exclusively to and from the remote storage device (12). At any given point in time an exclusive connection is made between the camera (14) and the remote storage device (12). When a camera ID corresponding to a certain camera is verified, message information is sent from the remote storage device (12) to the camera (14) and therefore data from the camera (14) corresponding to the verified ID is sent exclusively to the remote storage device (12) and advertising data is received by the camera (14) exclusively from the remote storage device (12).

Appellant's arguments regarding claims 1, 3 and 4 (Appeal Brief pages 6-7) state that since the Steinberg reference nowhere states that actual image data (from the image sensor) is uploaded from the camera to the messaging center, the Steinberg reference fails to disclose "a digital camera configured to send the image data exclusively to the remote storage device and to receive advertising data exclusively from the remote storage device". The Examiner respectfully disagrees. The claim merely states that "image data" is sent to a remote storage device but does not further define the term "image data" as being the actual pixel information obtained by an image sensor. The PTO must give words their broadest reasonable meaning in their ordinary usage, as understood by one of ordinary skill in the art. *In re Morris*, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997.). The Examiner maintains that the term "image data" does not constitute pixel information that is directly picked up by an image sensor. The

term "image data" may refer to any data that is representative of the images captured by a camera. Therefore, the Examiner is reading the data indicating the quantity of images obtained and the type of images obtained as "image data" since it is data that is representative of the images captured by a camera (page 3, paragraph 39).

Appellant's arguments regarding claim 2 (Appeal Brief page 7) state that since the Steinberg reference nowhere states that actual image data (from the image sensor) is uploaded from the camera to the messaging center, the Steinberg reference fails to disclose "a sensor for forming the image data". Appellant's state that they are claiming the raw "image data" created by the "sensor" and therefore the Steinberg reference does not disclose the limitations according to claim 2. The Examiner respectfully disagrees. Steinberg states that an intelligent advertisement center may build a user profile for the camera based on image information from the camera such as the type of images in the camera or the quantity of images taken by a camera (page 3, paragraph 39). The Examiner is reading the quantity of images and type of images as "image data" because the "other information" such as quantity of images and type of images constitute data that is generated based on the images that are captured by the camera (14). Steinberg also states that the digital camera (14) includes a sensor (digital image acquisition apparatus 88) for generating images (page 4, paragraph 52). Thus it can be seen that image data (e.g. data indicating the number of images taken) is formed (updated) when the sensor (88) acquires pixel data representing an image.

Appellant's arguments regarding claims 9 and 11 (Appeal Brief pages 8-9) include the same arguments as the arguments above regarding claims 1, 3 and 4. Therefore, the Examiner's response above regarding claims 1, 3 and 4 also applies to the arguments regarding claims 9 and 11.

Appellant's arguments regarding claim 10 (Appeal Brief page 10) include the same arguments as the arguments above regarding claim 2. Therefore, the Examiner's response above regarding claim 2 also applies to the arguments regarding claim 10.

Appellant's arguments regarding claim 5 (Appeal Brief pages 12-13) state that the Krishan reference teaches variously communicating with a "validation server", an "advertisement server", a "content server", and a "statistics server" and therefore, the reference does not teach "said digital camera being incapable of communicating with any external device other than said exclusive and remote location". The Examiner respectfully disagrees. Krishan discloses a method for delivering targeted information over the internet. Krishan states that an advertiser (ISP 24) may pay a distributor (portal provider 20) based on the number of ads downloaded and displayed by a mini-portal and viewed by users (22) (col. 6, lines 19-27). Krishan further states that users (22) may receive the hardware (modem) of a mini-portal for free in return for viewing messages and may receive free or discounted access to the internet from ISP (24) (col. 6, lines 35-64). Krishan also states that validation stamps are sent by an exclusive and predetermined location (ISP 24) to the mini-portals so that the mini-portals will only

function upon receiving a validation stamp from the portal provider (20) (col. 8, line 53-col. 9, line 21). Thus it can be seen that advertising data is downloaded solely from an exclusive and predetermined remote location (ISP 24) to device (mini-portal of computer) for displaying advertisements. **It can be seen in figure 4 that the personal computer (50) including a mini-portal (51) is only capable to connect to the Internet via ISP (52) (col. 12, lines 18-30).** Therefore, the personal computer (50) is incapable of communicating with any external device other than the exclusive and remote location (ISP 52). Although the computer (50) is capable of connecting to validation server (53), advertisement server (54), statistics server (55) and content server (56) via the remote location (ISP 52) this does not mean that the computer is capable of communicating with external devices other than the exclusive remote location. The computer (50) ^{may} _α only be connected to the exclusive remote location (ISP 52). Any subsequent communication between the exclusive remote location (ISP 52) and any other device does not constitute a direct connection to the computer (50). Therefore, the combination of the Steinberg and Krishan references teaches all of the limitations of claim 5.

Appellant's arguments regarding claim 5 (Appeal Brief page 13) state that the combination of the Steinberg and Krishan references fails to teach bi-directional communications "solely" between a "digital camera" and "an exclusive and predetermined remote location". The Examiner respectfully disagrees. Steinberg discloses in figure 1 a system (10) including a message center (12) and a digital camera

(14) capable of communicating in various ways (page 2, paragraph 33). When the camera (14) is turned on it automatically transmits a signal to a transceiver (18) for conveying the camera identification (ID) to a remote storage device (message center 12) and in response the remote storage device (12) transmits messages that are identified for the particular camera/user back to the camera (14) (page 2, paragraph 37). **Therefore, since the camera ID is verified and message information is sent to the camera (14) corresponding to the camera ID it can be seen that message data (advertisements corresponding to the camera ID) is sent from the remote storage device (12) to the camera (14) via an exclusive connection. Although the Steinberg reference provides various ways (e.g. computer (40), transceiver (18), etc.) of communicating information between the camera (14) and the remote storage device (12) this does not mean that the camera (14) does not send and receive data exclusively to and from the remote storage device (12). At any given point in time an exclusive connection is made between the camera (14) and the remote storage device (12). When a camera ID corresponding to a certain camera is verified, message information is sent from the remote storage device (12) to the camera (14) and therefore data from the camera (14) corresponding to the verified ID is sent solely to an exclusive and predetermined remote location (12) and advertising data is received by the camera (14) exclusively from the remote storage device (12).**

Appellant's arguments regarding claim 5 (Appeal Brief page 13) state that the

combination of the Steinberg and Krishan references fails to teach uploading actual “image data” to “an exclusive and predetermined remote location”. The Examiner respectfully disagrees. The claim merely states that “image data” is sent to a remote storage device but does not further define the term “image data” as being the actual pixel information obtained by an image sensor. The PTO must give words their broadest reasonable meaning in their ordinary usage, as understood by one of ordinary skill in the art. *In re Morris*, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997.). The Examiner maintains that the term “image data” does not constitute pixel information that is directly picked up by an image sensor. The term “image data” may refer to any data that is representative of the images captured by a camera. Therefore, the Examiner is reading the data indicating the quantity of images obtained and the type of images obtained as “image data” since it is data that is representative of the images captured by a camera (page 3, paragraph 39).

Appellant’s arguments regarding claim 13 (Appeal Brief page 14) state that the Krishan reference teaches that the users may opt out of receiving advertising material and therefore Krishan fails to disclose that a user of an electronic device is unable to prevent displaying of advertisements. The Examiner respectfully disagrees. Although Krishan discloses that a user may opt out of receiving advertisements (col. 6, lines 65-66) this is only an option if the user of the portal has paid a fee for the use of the mini-portal. Krishan states that if a user receives a mini-portal for free or for a certain discounted rate, then the portal provider (20) has a way to prevent users (22) from

disabling the display of advertisements (col. 8, line 53-col. 9, line 13). Therefore, it can be seen that Krishan discloses that advertisement data is pushed to a user (22) by a portal provider (20) and the user (22) is unable to prevent the displaying if the mini-portal is received for free or at a discounted rate.

Appellant's arguments regarding claim 14 (Appeal Brief page 14) state that the Krishan reference teaches that a portal provider (20) distributes "mini-portals" and does not distribute "digital cameras" as required by claim 14. The Examiner agrees. However, the Steinberg reference provides the teaching of a digital camera capable of receiving messages from an external device and the Krishan reference teaches an electronic device (mini-portal) provided by a distributor and capable of displaying advertisements received from an external device. Therefore, the combination of the Steinberg and Krishan references discloses all of the limitations of claim 14.

Appellant's arguments regarding claim 15 (Appeal Brief page 15) state that neither cited reference teaches a "combined download/upload request". The Examiner respectfully disagrees. Steinberg states that an intelligent advertisement center may build a user profile based on information (uploading information) such as quantity of images taken, type of images, etc. in order to determine a class of interest (page 3, paragraph 39). Steinberg also states that advertising information is downloaded by a camera (14). Similarly, Krishan states that a portal provider (20) may push advertisements to a mini-portal and also obtain information from the computers of the

users (22) in response to the advertisements that are sent using the mini-portals (col. 7, lines 17-64). Thus it can be seen that Krishan discloses a method involving a combined download/upload request (push advertisements and obtain information from users). Krishan also states that validation stamps are periodically sent by the portal provider (20) to the mini-portals in order to enable the mini-portals (col. 9, lines 1-67). Thus it can be seen that the download/upload request occurs at regular intervals according to the validation stamps sent by the portal provider (20).

Appellant's arguments regarding claim 16 (Appeal Brief page 15) state that neither cited reference teaches a "combined download/upload request occurring at predetermined regular intervals". The Examiner respectfully disagrees. Steinberg states that an intelligent advertisement center may build a user profile based on information (uploading information) such as quantity of images taken, type of images, etc. in order to determine a class of interest (page 3, paragraph 39). Steinberg also states that advertising information is downloaded by a camera (14). Similarly, Krishan states that a portal provider (20) may push advertisements to a mini-portal and also obtain information from the computers of the users (22) in response to the advertisements that are sent using the mini-portals (col. 7, lines 17-64). Thus it can be seen that Krishan discloses a method involving a combined download/upload request (push advertisements and obtain information from users). Krishan also states that validation stamps are periodically sent by the portal provider (20) to the mini-portals in order to enable the mini-portals (col. 9, lines 1-67). Thus it can be seen that the

download/upload request occurs at regular intervals according to the validation stamps sent by the portal provider (20). The Examiner maintains the position that validation stamps being “periodically” sent constitutes “predetermined regular intervals”. In order to periodically send validation stamps a portal provider (20) must predetermine the interval between the sending of the validation stamps. In addition, since the validation stamps are sent periodically it is clear that the intervals in which they are sent are regular.

Appellant’s arguments regarding claim 19 (Appeal Brief page 16) state that neither cited reference discloses or mention a protocol in which “downloading of said advertising data is triggered by said uploading image data”. The Examiner respectfully disagrees. Steinberg states that an intelligent advertisement center may build a user profile based on information (uploading information) such as quantity of images taken, type of images, etc. in order to determine a class of interest (page 3, paragraph 39). Steinberg also states that advertising information is downloaded by a camera (14) based on the user profile that is generated by uploading information such as quantity of images taken, types of images, etc. Therefore, it can be seen that downloading of advertising data is triggered by uploading image data (quantity of images taken, types of images, etc.).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Kelly Jerabek



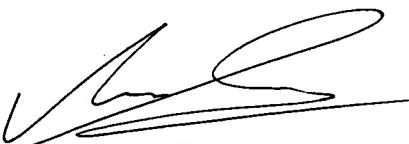
Conferees:

Ngoc Yen Vu



NGOC-YEN VU
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